

DEPARTMENT OF THE NAVY BOARD FOR CORRECTION OF NAVAL RECORDS 701 S. COURTHOUSE ROAD, SUITE 1001 ARLINGTON, VA 22204-2490

> Docket No. 6074-21 Ref: Signature Date



Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your applications on 3 March 2022. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your applications, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations and policies, as well as the Advisory Opinion (AO) of 7 October 2021 provided by the Navy Personnel Command (PERS-32), and your response to the AO.

The Board carefully considered your request to remove the following Evaluation Reports and Counseling Records (Eval): 11 December 2017 to 30 June 2018, 1 July 2018 to 31 August 2018, 1 September 2018 to 15 March 2019, and 16 March 2019 to 10 October 2019. The Board also considered your request to grant you two Enlisted Special Selection Boards with PERS-803 and any other Board Cycle missed while awaiting BCNR review, and to rescore your January 2021 Cycle 250 Navy-Wide Advancement Examination. The Board considered your contentions that the Eval ending in 30 June 2018 was unjustly used to remove your frocking from E6 to E5; the Eval ending in 31 August 2018 was unjust as it was issued to re-establish the advance since it should not have been removed in the first place; the Eval ending in 15 March 2019 while awaiting BCNR action and added to the E5 group; and the Eval ending in 10 October 2019 because you passed the March 2019 examination for PS1. You further contend the Evals do not align because they reflect E5 and you were prevented from taking the January 2020 Cycle 246 Navy-Wide Examination for which you would have been eligible. You assert the Evals will continue to prevent you from advancing as they will continue to bring your final score under the baseline.

The Board, however, substantially concurred with the AO that the contested Evals were valid at the time of issuance and complied with the Navy Performance Evaluation System. The Board noted that a previous Board granted you relief by recommending advancement to PS1/E6 based on a command administrative error. The Board further noted that you did not deny you failed the unit Physical Fitness Assessment, which resulted in the removal of your frocking to PS1. The Board determined that your current record is a matter of fact and sufficient relief was granted by the previous Board. The Board concluded that no further action is warranted and your request is lacking in substantial evidence of error or injustice warranting removal of the contested Evals from your official military personnel file.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

	3/23/2022
Executive Director	

Sincerely,